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13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SAN FRANCISCO DIVISION**

16 IN RE: UBER TECHNOLOGIES, INC.,
17 PASSENGER SEXUAL ASSAULT
18 LITIGATION

Case No. 3:23-md-03084-CRB

19 This Document Relates to:
20 ALL ACTIONS
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DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, RASIER-CA, LLC'S
STATEMENT IN SUPPORT OF
PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED [ECF NO. 2798]

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

DEFENDANTS' STATEMENT IN SUPPORT OF SEALING

CONFIDENTIAL MATERIALS

Pursuant to Civil Local Rules 79-5(c) and (f)(3), Defendants Uber Technologies, Inc., Rasier, LLC, Rasier-CA, LLC (collectively “Defendants” or “Uber”), respectfully submit this statement in support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should be Sealed, dated April 17, 2025, ECF 2798 (“Plaintiffs’ Motion”).

I. BACKGROUND AND REQUESTED SEALING

Plaintiffs' Motion concerns the Joint Letter Regarding Defendants' Production of Safety Lens Snapshots in Defendant Fact Sheets and exhibits thereto (sealed and unredacted filings at ECF 2798-2 through 2798-4; public filings at ECF 2796, 2796-2 through 2796-4) ("Letter Brief"). Because Exhibit 1 to the Letter Brief was the subject of a separate motion to seal by Plaintiffs (ECF 2797), to which Uber responded separately in support (ECF 2822), that exhibit will not be addressed here:

Document	Description	Designating Party
Narrow Redactions to Joint Letter Brief Regarding Defendants' Production of Safety Lens Snapshots in Defendant Fact Sheet (ECF 2798-2, 2796)	Portions describing confidential details of Uber's proprietary Safety Lens user interface system	Uber
Narrow Redactions to Joint Letter Brief Regarding Defendants' Production of Safety Lens Snapshots in Defendant Fact Sheet (ECF 2798-2, 2796)	Portions describing confidential details of Uber's proprietary Safety Lens user interface system	Uber
Exhibit 2 to Letter Brief (ECF 2798-4, 2796-3)	Exemplar of summary page in Uber's proprietary Safety Lens user interface system, produced by Uber as confidential and bates stamped number UBER-MDL3084-00084720	Uber

The redacted material and exhibit at issue here should be maintained under seal because they contain confidential information about Defendants' confidential and proprietary Safety Lens system.

1 Defendants therefore submit this statement requesting that the Court seal under Local Rule 79-5(f)(3)
 2 for the reasons set forth below.

3 **II. LEGAL STANDARD**

4 Documents which do not relate directly to the merits of a case are properly sealed when a
 5 moving party makes “a particularized showing under the good cause standard of Rule 26(c).”
 6 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations
 7 and citations omitted); *see also Ctr. For Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101-02
 8 (9th Cir. 2016). Federal Rule of Civil Procedure 26(c) states that good cause may exist when sealing
 9 is necessary to “protect a party or person from annoyance, embarrassment, oppression, or undue
 10 burden or expense.” Fed. R. Civ. P. 26(c).

11 The documents here are related to briefing on a discovery motion regarding the production of
 12 Safety Lens Snapshots in Defendants’ Fact Sheets; they are not related to a dispositive motion. *See*
 13 *United States v. Selugh*, 896 F. 3d 1007, 1015 (9th Cir. 2018); *Brown v. Google LLC*, 2022 WL
 14 4227545, at *1; *Adtrader, Inc. v. Google LLC*, 2020 WL 6387381 at *1 (N.D. Cal. Feb. 24, 2020).
 15 Therefore, the good cause standard applies. Discovery motion materials “are actually one step further
 16 removed in public concern from the trial process than the discovery materials themselves.” *Selugh*,
 17 896 F. 3d at 1015. District Courts have discretion to balance the interests of private parties and public
 18 disclosure when deciding to seal documents. *Kamakana*, 447 F.3d at 1180.

19 The Ninth Circuit has explained “that discovery is largely ‘conducted in private as a matter of
 20 modern practice,’ so the public is not presumed to have a right of access to it” and that “[t]here is no
 21 tradition of public access to discovery, and requiring a trial court to scrutinize carefully public claims
 22 of access would be incongruous with the goals of the discovery process.” *Ctr. for Auto Safety*, 809
 23 F.3d at 1097 (9th Cir. 2016) (quoting *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984) and
 24 *Anderson v. Cryovac, Inc.*, 805 F.2d 1, 13 (1st Cir.1986)). The diminished public interest in disclosure
 25 is particularly true for exemplary exhibits (like Exhibit 2 here) to a letter brief on a nondispositive
 26 discovery matter. *See generally Phillips ex rel. Ests. of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206,
 27 1213 (9th Cir. 2002) (“[I]t makes little sense to render the district court’s protective order useless

1 simply because the plaintiffs attached a sealed discovery document to a nondispositive [] motion filed
 2 with the court.”).

3 Courts, including this Court, regularly seal confidential internal business policies under the
 4 good cause standard. *See* Sept. 3, 2024 Order, ECF 1559 at 2 (sealing documents with “substantive
 5 information about Uber’s internal policies”); *see also, e.g.* *Adtrader, Inc.*, 2020 WL 6387381, at *2
 6 (sealing Google policies and other documents related to advertisements and payments); *Charles v.*
 7 *Target Corp.*, 2022 WL 3205047, at *3 (N.D. Cal. July 6, 2022) (sealing document “detailing Target’s
 8 internal policies and procedures for guest incidents”). Sealing is justified based on the risk of
 9 competitive harm when public disclosure would provide competitors insight into a party’s “internal
 10 systems and operations, including details related to internal projects and their proprietary
 11 functionalities.” *Calhoun v. Google LLC*, 2022 WL 1122843, at *2 (N.D. Cal. Apr. 14, 2022).
 12 Information about internal systems and operations can place a company “at an increased risk of
 13 cybersecurity threats, as third parties may seek to use the information to compromise [the company’s]
 14 systems.” *Id.* at *2. Likewise, confidential business information can be sealed under the good cause
 15 standard. *See, e.g., Epidemic Sounds, AB v. Meta Platforms, Inc.*, 2025 WL 345923, at *2 (N.D. Cal.
 16 Jan. 30, 2025) (sealing “information about the parties’ business operations and negotiations” based on
 17 the potential risk “disclosure could disadvantage the parties in negotiations and provide an advantage
 18 to their competitors”); *Vineyard Investigations v. E. & J. Gallo Winery*, 2024 WL 4853055, at *2 (E.D.
 19 Cal. Nov. 21, 2024) (“Non-public information regarding a party’s business operations is typically
 20 subject to sealing”); *Jones v. PGA Tour, Inc.*, 2023 WL 3570000, at *2 (N.D. Cal. May 18, 2023)
 21 (sealing document that reflected “reflects public relations strategy”); *Jones v. PGA Tour, Inc.*, 2023
 22 WL 2232094, at *3 (N.D. Cal. Feb. 23, 2023) (sealing “details about the [business’s] operations and
 23 business relationships with other [businesses]” based on potential risk of “competitive harm to the
 24 [business] and damage [to] its business relationships”).

25 **III. UBER’S MATERIAL SHOULD BE KEPT UNDER SEAL**

26 The redacted material and exhibit at issue relates to Uber’s proprietary Safety Lens system and
 27 procedures for storing, organizing, linking, and cataloging data, reports, and other information related
 28

1 to independent drivers and riders on the Uber platform. This technological and procedural know-how
 2 was developed by Uber through years of work, experience, and investment. Public disclosure of this
 3 information—contained in a discovery dispute that is entirely unrelated to the merits of this
 4 litigation—poses a real risk of competitive harm to Uber and should therefore be maintained under
 5 seal.

6 **A. Failing to Seal the Documents Would Harm Uber and Third Parties**

7 Joint Letter Brief Redactions

8 The redactions to the Letter Brief are very narrow and targeted—about 6 lines of text in total
 9 (ECF 2798-2, 2796). They consist of descriptions of the categories of app user data and information
 10 collected in Uber’s Safety Lens interface.

11 As Uber Senior Manager, Safety and Core Services Legal, Alejandra O’Connor explained,
 12 based on her personal knowledge, in her declaration (ECF 2796-4): “‘Safety Lens’ is a proprietary,
 13 limited-access internal web-based user interface (‘UI’) that provides Uber safety agents with certain
 14 information about … individuals with an Uber account.” *Id.* ¶ 5. The limited redactions explain the
 15 nature of this technology and its layout and functions, and detail the categories of data contained
 16 therein. Defendants have expended significant time, resources, and money in the development of its
 17 internal systems and procedures and does not disclose this type of internal information. Disclosure of
 18 this internal document could allow competitors to copy the data management systems Uber has
 19 developed at its own time and expense. Given the very limited legitimate public interest in disclosure
 20 of these details of Uber’s business system, these redactions should be maintained under seal under the
 21 good cause standard. *See Cummings Decl.* ¶ 2; *see also, e.g., Epidemic Sounds, AB,* 2025 WL
 22 345923, at *2 (sealing “information about the parties’ business operations and negotiations” based on
 23 the potential risk “disclosure could disadvantage the parties in negotiations and provide an advantage
 24 to their competitors”); *Vineyard Investigations*, 2024 WL 4853055, at *2 (“Non-public information
 25 regarding a party’s business operations is typically subject to sealing”); *Jones*, 2023 WL 3570000, at
 26 *2 (sealing document that reflected “reflects public relations strategy”); *Jones*, 2023 WL 2232094, at
 27 *3 (sealing “details about the [business’s] operations and business relationships with other

1 [businesses]” based on potential risk of “competitive harm to the [business] and damage [to] its
 2 business relationships”).

3 O'Connor Declaration Redactions

4 The redactions to the declaration of Alejandra O'Connor are likewise very narrow (ECF 2798-
 5 3, 2796-4). They similarly disclose the categories of data collected and linked in the Safety Lens
 6 interface to facilitate the effective and efficient operation of Uber's business.

7 Even separate and apart from the information contained or linked in Safety Lens, Uber's
 8 proprietary system and its selection of data to present to its safety agents facilitates its business and
 9 safety operations and could be copied by competitors. Given the very limited legitimate public interest
 10 in disclosure of these details of Uber's business system and Uber's legitimate interest in protecting its
 11 proprietary systems it has developed at its expense, these redactions should be maintained under seal
 12 under the good cause standard. *See Cummings Decl. ¶ 3; see also, e.g., Epidemic Sounds, AB, 2025*
 13 *WL 345923, at *2; Vineyard Investigations, 2024 WL 4853055, at *2; Jones, 2023 WL 3570000, at*
 14 **2; Jones, 2023 WL 2232094, at *3.*

15 Exhibit 2 to the Letter Brief

16 This exhibit is an example of a summary page in the Safety Lens interface that was attached to
 17 a customer support ticket and produced by Defendants as part of its DFS productions (ECF 2798-4,
 18 2796-3).

19 Beyond merely describing Uber's proprietary Safety Lens system, the disclosure of this exhibit
 20 would give competitors a direct look at it. As noted above, this is “a proprietary, limited-access
 21 internal web-based user interface ('UI')” specifically designed to provide Uber safety agents certain
 22 information (and not other, unnecessary information) regarding app users, *see O'Connor Decl. ¶ 5,*
 23 so the agents can quickly and efficiently have pertinent information at their fingertips to address safety
 24 issues. This system is tailored to that purpose and publicly disclosing it could enable competitors to
 25 copy the fruit of Uber's labor and investment, or portions of it.¹ Under the applicable good cause

26 ¹ Exhibit 2 also contains four small redactions of Personally Identifiable Information (“PII”) which were previously
 27 redacted in discovery. As such, Defendants have produced this document to Plaintiffs with these four redactions and
 therefore these redactions are not at issue here.

1 standard, Exhibit 2 should be sealed. *See Se Cummings Decl.* ¶ 4; *see also., e.g., Epidemic Sounds,*

2 AB, 2025 WL 345923, at *2; *Vineyard Investigations*, 2024 WL 4853055, at *2; *Jones*, 2023 WL

3 3570000, at *2; *Jones*, 2023 WL 2232094, at *3.

4 **B. Less Restrictive Alternative to Sealing is Insufficient to Prevent Harm**

5 No less restrictive alternative to sealing the documents at issue is sufficient. The letter brief
 6 and O'Connor declaration have already been narrowly redacted and Uber does not seek to seal them
 7 in full. Exhibit 2 is a Safety Lens summary page—the redactions necessary to protect Uber's
 8 legitimate interests would leave nothing of value unredacted. Actions short of sealing these documents
 9 would not protect Uber's competitive standing. *See Cummings Decl.* ¶¶ 2-4.

10 **IV. CONCLUSION**

11 For the foregoing reasons, Defendants respectfully request that the Court order that the
 12 unredacted versions of the Letter Brief and the O'Connor declaration and the entirety of Exhibit 2, be
 13 maintained under seal.

14
 15 DATED: April 24, 2025

Respectfully submitted,

16 **SHOOK HARDY & BACON L.L.P.**

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